IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT BENCH JAIPUR

O R D E R

Gordhan Lal Vs. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

(SB Civil Writ Petition No. 102/94)

Date of Order : 14/9/2006

Hon'ble Mr. Justice KS Rathore

Mr. VB Srivastava, for the petitioner.
Mr. GC Garg, for the RIICO.
Mr. K Verma, for the Indian Oil Corporation.

REPORTABLE

The short controversy involved in this writ petition is that the land belonging to the petitioner has been acquired by the respondent no.1, RIICO, for the respondent no.2, Indian Oil Corporation.

It is alleged that assurance was given by the RIICO to provide employment to the petitioner and to this effect, RIICO has recommended the case of the petitioner to the Indian Oil Corporation to provide him

employment as on account of acquisition of the property belonging to the petitioner, livelihood of the petitioner has been taken away, therefore, to provide him employment, his case was recommended.

Since then in spite of repeated request to the Indian Oil Corporation, no employment was provided to the petitioner therefore, this writ petition.

Learned counsel appearing for the RIICO submits that the controversy involved in this writ petition is squarely covered by the judgment rendered by this Court in SB Civil Writ Petition No. 4630/95 “Smt. Lad Kanwar Vs. State & Others” decided on 19.10.95 and as per the respondent, the ratio decided by this Court is fully applicable to the instant case. Whereas; the petitioner controverts this fact.

Learned counsel for the Indian Oil Corporation has categorically stated that they have not assured and they have not undertaken to give employment to the petitioner in lieu of acquisition.

Further, the learned counsel for the respondent placed reliance on the judgment rendered by the Division Bench of this Court in the case “Gas Authority of India Ltd. Vs. State of U.P. & Others” reported in 2004(2) LACC 47 wherein the Division Bench has observed as under:-

> “With profound respect to the learned single judge we are not in agreement with the view he has taken. The learned single judge has adopted an approach which is mere emotional rather than legal. A writ is issued for violation of law or enforcement of some legal duty, and not on such vague and general considerations that since the Government is a welfare State it has to provide a job to a person whose land is acquired”.
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> And further held- “since there is no

> provision in the Land Acquisition Act to grant a job in addition to the amounts specified in Section 23. Hence, any Government order for providing a job in addition to that is in our opinion violative of the provision of the Land Acquisition Act, for such a Government Order will amount to amendment of Section 23, which will be illegal".

Similar view has been taken by the Division Bench of Punjab & Haryana High Court in the case of "Mohinder Singh Vs. M/s. Indian Oil Corporation Ltd. & Others" reported in 2001 (Supp) All India Land Acquisition & Compensation Cases 589, wherein also it was observed that "Almost after 12 years such a concession could not be claimed- No where it was contended that residents of the area would be continuously accommodated".

Learned counsel for the petitioner placed reliance on the judgment of Hon'ble the Supreme Court in the case of "Calcultta Port Trust Vs. Deba Prosad Bag" reported in 1994 SC 2137

wherein Hon'ble the Supreme Court has observed as under:-

> “The effect of the amendment, was in certain category of cases, however, the employing authority would be competent without referring to the employment exchange to give appointment to candidates hailing from families who might have been uprooted from their places of residence or whose main source of income had been affected due to such loss of agricultural lands, owing to the acquisition for development projects like setting up a power plant or a township etc.”

Learned counsel appearing on behalf of the Indian Oil Corporation referred a case of “Butu Prasad Kumbhar & Others Vs. Steel Authority of India Ltd. & Others” reported in 1995 Supp (2) Supreme Court Cases 225 wherein Hon'ble the Supreme Court has observed as under:-

> “The State Government was not bound to provide employment to any person so displaced, much less to provide employment or to ensure preferential treatment in employment to each adult member of displaced families”.

Heard rival submissions of the respective parties and considered the judgments referred by them. In the case of “Calcutta Port Trust” (supra) relied by the petitioner there was a notification which was amended on 13.8.79 and pursuant to the amendment, direction was issued by Hon'ble the Supreme Court. Whereas; in the instant case, the petitioner has utterly failed to show any provision under which he is entitled to seek employment on account of being displaced on acquisition of land belonging to him. As also, the Supreme Court has held in the case of Butu Prasad Kumbhar that the State Government was not bound to provide employment to any person so displaced, much less to provide employment or to ensure preferential treatment.

Here, in the instant case, the case of the petitioner was only recommended to the Indian Oil Corporation and Indian Oil Corporation emphatically denied to provide the employment. Hence, recommendation by way of this writ petition cannot be enforced and no writ order or direction can be issued to this effect with regard to providing employment to the petitioner.

Consequently, this writ petition fails being devoid of merit and same is hereby dismissed with no orders as to cost.

(KS RATHORE), J.